IN RE: PETITION FOR RESIDENTIAL BEFORE THE ZONING VARIANCE 176'SW end of driveway at a point* ZONING COMMISSIONER on S/S of Naygall Rd. 3960' SE * OF BALTIMORE COUNTY of Hines Rd., 9008 Naygall Rd. 11th Election District * Case No. 91-384-A 5th Councilmanic District Steven G. Hipley, et ux Petitioners * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Sections 504 (VB6b,CMDP), 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 7 ft. in lieu of the required 11 ft. 4 inches for an open projection (deck), as more particularly described on Petitioner's Exhibit

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 9008 Naygall Road, improved with a single family home, zoned D.R. 3.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to permit a side yard setback of 7feet in lieu of the required 11 feet 4 inches for a deck.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and o o for the reasons given above, the requested variance should be granted.

County this - 71 day of 1111, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Sections 504 (VB6b,CMDP), 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 7 ft. in lieu of the required 11 ft. 4 inches for an open projection (deck), in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

for Baltimore County

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-384-A The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 9008 Nayqall Road, Baltimore, Maryland 21234

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

The deck was constructed to allow the steps to clear the heat pump situated against the house. I cannot turn the

steps because of the heat pump and to shorten the deck would make that side unsafe and unusable.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) Steven G. Hipley

AFFIANT (Printed Name)

Sharon M. Hipley AFFIAMT (Printed Meme)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of March 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Steven G. Hipley Sharon M. Hipley

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/ber/their knowledge and belief.

AS WITHESS my band and Motarial Seal.

March 27,1991

My Commission Empires: Jan. 1994

ZONING DESCRIPTION

Beginning at a point on the north side of the "panhandle" which is 15 feet wide at the distance of 183 feet southwest of the center line of the nearest improved intersecting street (Naygall Road) which is 27 feet wide. Being lot #21, Block ______, Section , in the subdivision of Glen Miles Estates as recorded in Baltimore County plat book number 55, Folio #118, containing .208 acres also known as 9008 Naygall Road and located in the 11th election district.

91-384-4



111 West Chesapeake Avenue Towson, MD 21204

887-3353

May 14, 1991

Mr. and Mrs. Stephen G. Hipley 9008 Naygall RoadRoad Baltimore, Maryland 21234

> RE: Petition for Residential Zoning Variance Case No. 91-384-A

Dear Mr. and Mrs. Hipley:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

cc: Peoples Counsel

District //T	Date of Posting 4/15/91
Posted for: R. Variance	
Politicaer STOYON G. Hiplay	e tux
Location of property: Sw/Fact of Orn.	Lowo, on S/S of Novacl 12d
9008 Neggell Rd	
	nos 10 fx 100 dway 12 fupo ty
of Pakiliones	dition of the second of the se
<i>I</i>	
Remarks:	
Posted by	Date of return: 7/12/91
Runber of Signe:	•

Adjean Zoning Commisioner
County Office Building
111 West Chesapeake Avenue Date 3-29-91 Steven G. Hipley 9008 Naygall Rd. Administrative Variance: Residentialfiling fee \$35.00

Sign 25.00

60 00 Total

04A04#0053HICHRC lesse Make Checks Payable Te: Baltimore Eduniy 99:56AM03-29-91

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

4 inches... for an open projection.

A PUBLIC HEARING HAVING IT IS FURTHER DROCKED matter of this petition be a

out Baltimore County, that I in Room 106, County Office 91-384-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section $_$ To permit a side yard setback of 7 feet in lieu of the required 11 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

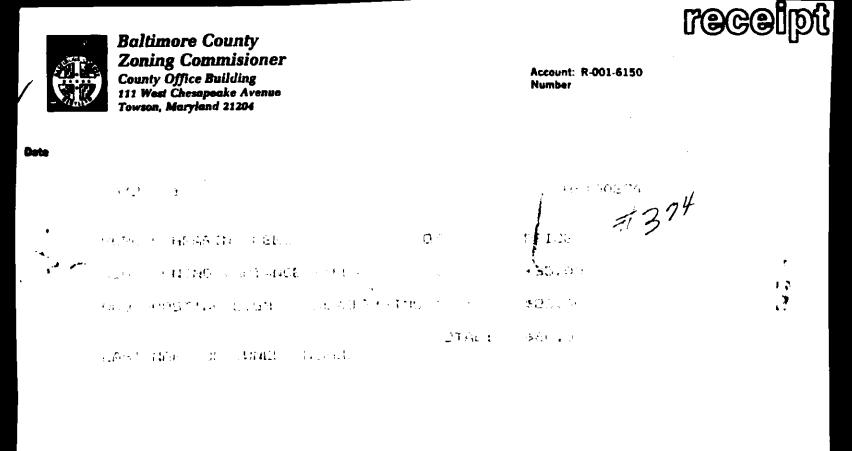
The deck was constructed to prevent covering the heat pump and to have the steps clear the heat pump. I cannot turn the steps because of the heat pump, and to shorten that portion of the deck would make it unsafe and unusable.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Steven G. Hipley (Type or Print Name)
Signature	Sharon G. Hipley A.F.
Address	Sharon & Hipley (Type of Print Name)
City/State/Zip Code	Signature M. Hipkey
Attorney for Petitioner:	
(Type or Print Name)	9008 Naygall Road 256-0655 Address Phone
Signature	Baltimore, MD 21234 City/State/lip Code
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Attorney's telephone number	Name
OROERED by the Zonling Commissioner of Baitimo	Address Phone ore County, this 29 day of 1422, 1991, that the subject matter of this Address Phone Ore County, this 29 day of 1991, that the subject matter of this Address Phone

BEEN REQUESTED ANO/OR FOUND TO BE REQUIRED.
by the Zoning Commissioner of Baltimore County, this day of, 18, that the s
dvertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation th
he property be reposted, and that the public hearing be had before the Zoning Commissioner of Beltimore
Building in Towson, Baltimore County, on the day of, 19, at of

ZONING CONTISSIONER OF BALTIMETE COUNTY



Please Make Checks Payable To: Baltimore County

Cashler Validation



111 West Chesapeake Avenue Towson, MD 21204 887-3353

April 17, 1991

Mr & Mrs. Steven G. Hipley 9008 Naygall Road Baltimore, MD 21234

> RE: Item No. 374, Case No. 91-384-A Petitioner: Steven G. Hipley, et ux Petition for Residential Variance

Dear Mr. & Mrs. Hipley:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

AMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

Your petition has been received and accepted for filing this

J ROBERT HAINES
ZONING COMMISSIONER

887 3353

Chairman,
Zonora Plans Advisory Committee

Petitioner: Steven G. Hipley, et ux

Petitioner's Attorney:

29th day of March, 1991.

700 East Joppa Road, Suite 901 Towson, MD, 21204-5500

(301) 887 4500

APRII. 12, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: STEVEN G. HIPLEY

Location: #9008 NAYGALL ROAD

Item No.: 374 Zoning Agenda: APRIL 16, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Baltimore County Government

Fire Department

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cast Track File 4-16 4 Approved Castainu T Brade Information Bureau

Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 17, 1991
FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting for April 16, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 9-Cycle IV-Case No. R-91-115, 357, 371, 374, 375, 376, 378, 380, 381 and 383.

For Item 10-Cycle IV-Case No. R-91-116, County Review Group Meeting may be required.

For Item 198-Case No. 91-254-A, the previous minor subdivision comments still apply.

For Item 372, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy, P.E., Acting Chief, Developers Engineering Division

DAK:s

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

April 12, 1991

887-3353

Mr & Mrs. Steven G. Hipley 9008 Naygall Road Baltımore, Maryland 21234

Re CASE NUMBER: 91-384-A
LOCATION: 91-384-A
176' SW end of driveway at apoint on the S/S of Naygall Road
3960' (+/-) SE of Hines Road
9008 Naygall Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 17, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 2, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly you

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Towson, MD 21204

April 1, 1991

91-384-A

Steven G. Hipley Sharon M. Hipley 9008 Naygall Road Baltimore, MD 21234

111 West Chesapeake Avenue

RE: Petition Filed in Zoning Office Item Number 374

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of April 9, 1991. According to our records, this Petition was filed on March 29, 1991 with John J. Sullivan, Jr.

In order for this Petition to be placed on the next agenda, you must contact John Sullivan at 887-3391 to rectify the problem.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:scj

May 2 91-38

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 10, 1991

O: Mr. J. Robert Haines
Zoning Commissioner

ROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

DODGETT B.M.C. COMMENTED

Z.A.C. MEETING DATE: April 16, 1991

This office has no comments for items number 357, 371, 372, 374, 375, 376, 378, 381 and 383:

Rahee J. Famili
Traffic Engineer II

RJF/lvd

Muy 2 41 34-A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 24, 1991

ROM: Pat Keller, Deputy Director Office of Planning and Zoning

Office of Planning and Zoning

SUBJECT: John Gwiazdowski, Item No. 377
Roland E. Hess, Item No. 356
Richard S. Cook, Item No. 382
Frank Limmer, Item No. 389
David C. Berg, Item No. 391
Marie E. Martin, Item No. 357
Steven G. Hipley, Item No. 374
David G. Rorison, Item No. 376
Timothy C. Seiss, Item No. 378
John Alban, Item No. 383

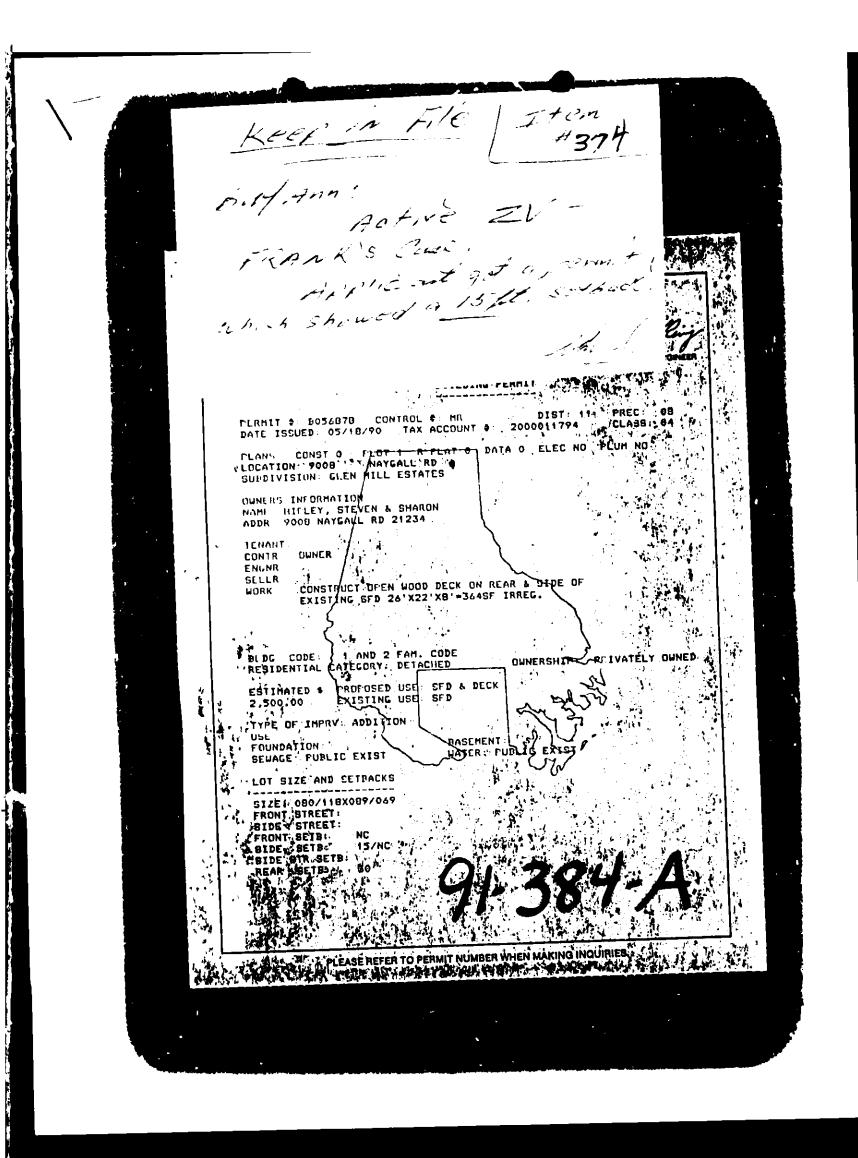
In reference to the following variance requests, staff offers no

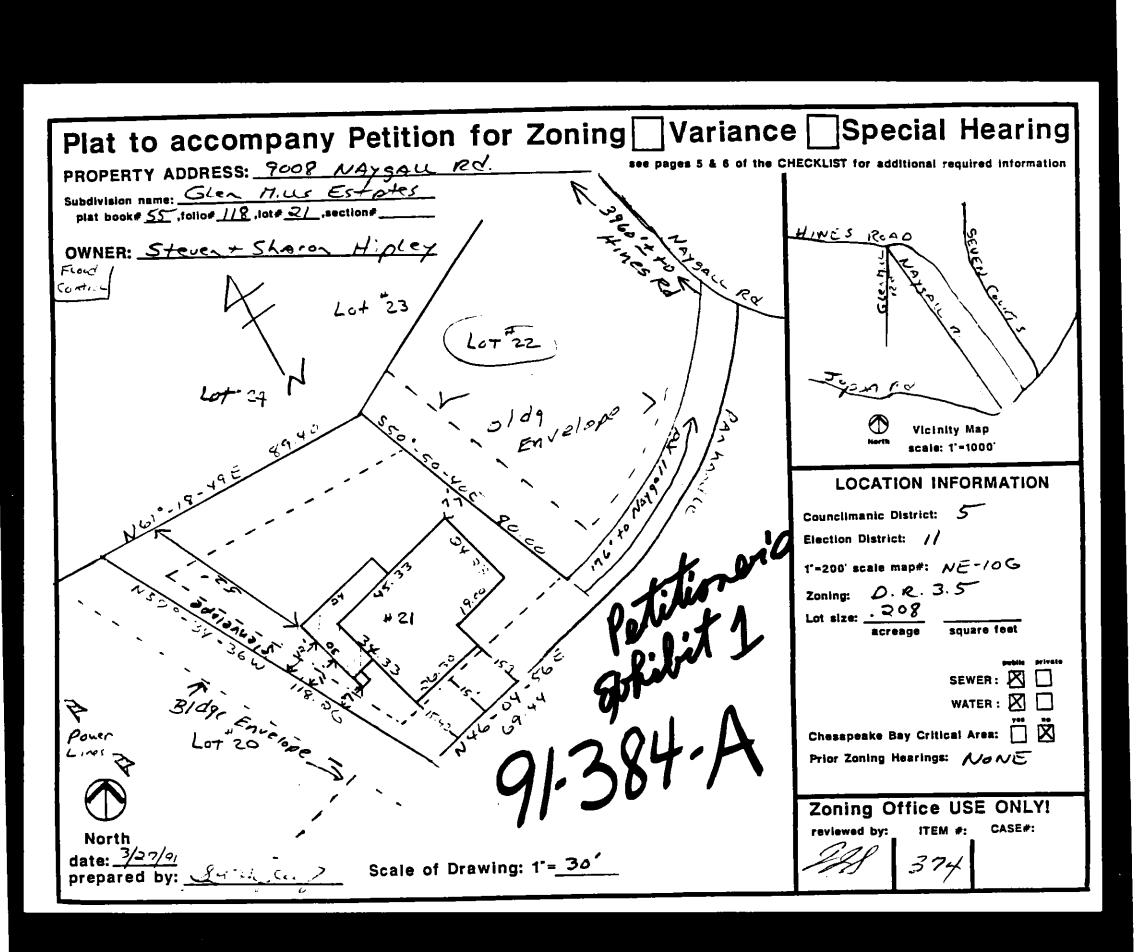
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MULTI.ITM/ZAC1

eceived





I understand that the deck attached to the house at 9008 Navgall Boad is in violation of the orthack required by Baltimore County Building Code. The deck is approximately seven feet from the property line and rode requirement is eleven feet. 3 inches I have no objections to the granting of a variance for this deck.

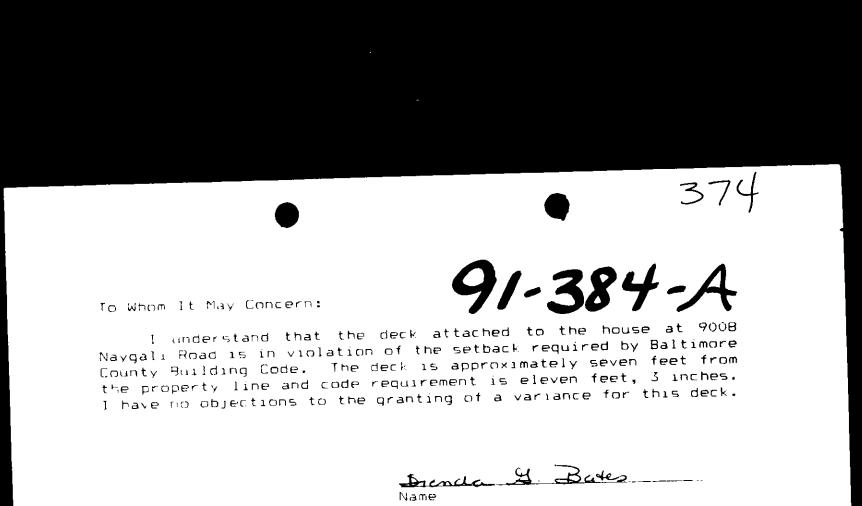
| Joseph Physical Rd | Address | Addre

4 374

CASE NUMBER 91-384-A

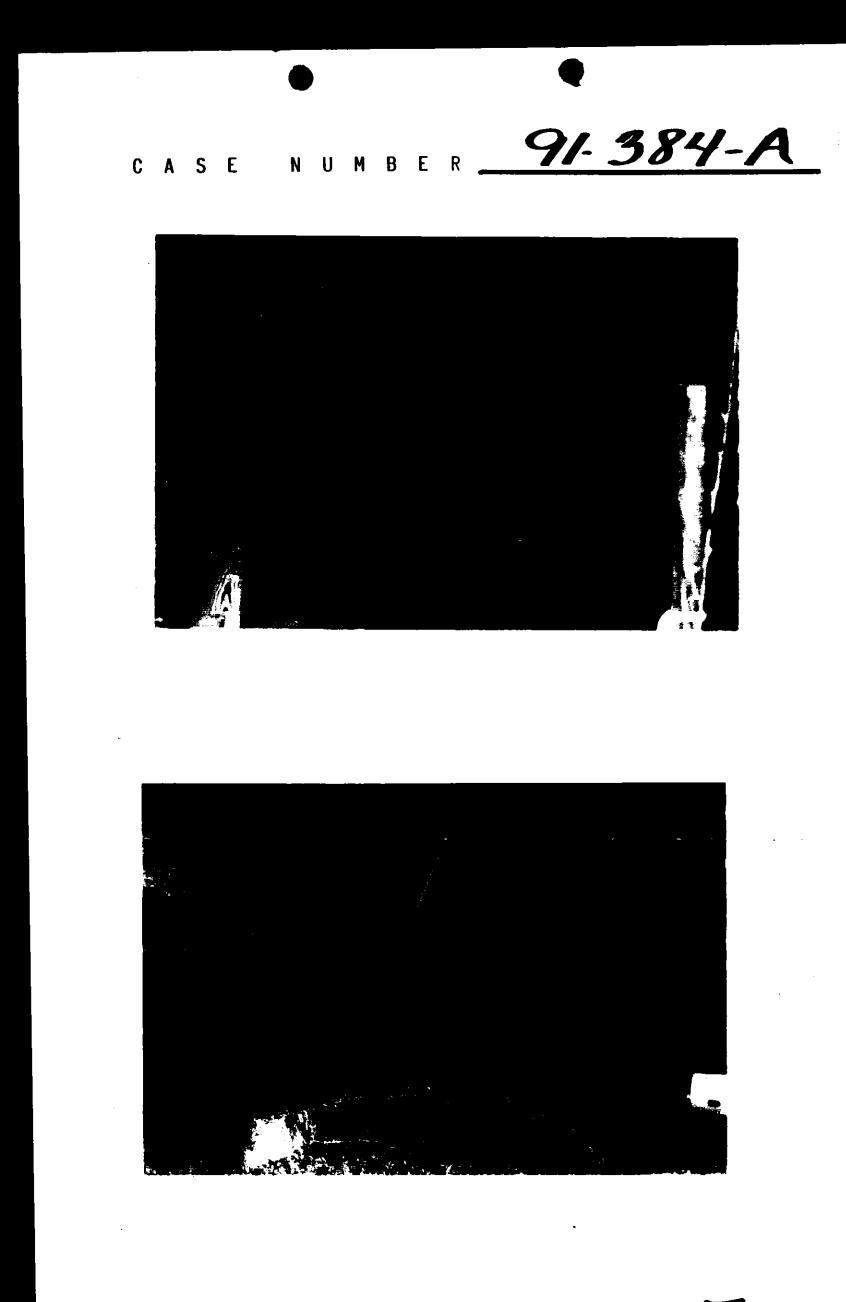


PETITIONER'S EXHIBIT # 3



9012 Naygall Rd.

Petitioner's Exhibit 4



PETITIONER'S EXHIBIT # 5



